REMARKS

In the final Office Action, dated March 31, 2005, the Examiner rejects claims 1-6 and 9-68 under 35 U.S.C. 103(a) as unpatentable over HOFFMAN et al. (U.S. Patent No. 6,397,198) in view of FROMM (U.S. Patent No. 6,266,640), and objects to claims 7 and 8 as allowable if rewritten into independent form. Applicants respectfully traverse the rejection based on HOFFMAN et al. and FROMM. Claims 1-68 remain pending.

Applicants note with appreciation the indication that claims 7 and 8 would be allowable if rewritten into independent form to include the base claim and any intervening claims.

Claims 1-6 and 9-68 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HOFFMAN et al. in view of FROMM. Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a computerized method for authenticating an electronic transaction between a user and a computer, where the computer is configured to conduct electronic transactions. The method includes receiving a computer-generated transaction identifier from the computer via an electronic data link; receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection; comparing the user-spoken transaction identifier with the computer transaction identifier; comparing the user-spoken verification identifier with a voice print of the user; and transmitting an authentication message to the computer if the user-spoken transaction identifier matches the computer-generated transaction identifier and if the user-spoken verification identifier matches the voice print. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, HOFFMAN et al. and FROMM do not disclose receiving a computer-

generated transaction identifier from the computer via an electronic data link. The Office Action relies on lines 1-7 of the Abstract, and col. 2, lines 38-59, of HOFFMAN et al. for allegedly disclosing this feature (final Office Action, pg. 3). Applicants submit that these sections of HOFFMAN et al. do not disclose or suggest this feature of claim 1.

In the Abstract, at lines 1-7, HOFFMAN et al. discloses:

> The invention discloses a tokenless biometric identification computer system, comprising at least a database containing registered biometric samples of users. A comparator compares a bid biometric sample of a user to at least one registered biometric sample, the bid biometric sample obtained directly from the user during an identification process for conducting an electronic transaction by the user.

This section of HOFFMAN et al. merely discloses that a bid biometric sample of a user is compared to at least one registered biometric sample. This section of HOFFMAN et al. does not disclose or suggest receiving a computer-generated transaction identifier from the computer via an electronic data link, as required by claim 1. HOFFMAN et al. in no way discloses or suggests that a bid biometric sample or a registered biometric sample is a computer-generated transaction identifier.

At col. 2, lines 38-59, HOFFMAN et al. discloses:

> The invention discloses a tokenless biometric identification computer system comprising at least a database containing registered biometric samples of users. A comparator compares a bid biometric sample of a user to at least one registered biometric sample wherein the bid biometric sample is obtained directly from the user during an identification process for conducting an electronic transaction by the user. An audio signature is associated with a transaction processor entity and is stored in the computer system, where the transaction processor entity is responsible for conducting the electronic transaction. A sound generator generates an analog or digital signal from the stored audio signature, and a transducer converts the analog or digital signal to a play back audio signature. This invention generates a play back audio signature from the stored audio signature that is associated with the transaction processor entity and the play back audio signature is played back to the user to identify the transaction processor entity that conducted the electronic transaction. This system operates without any man made

> personal devices such as credit cards, identity cards or the like is used during the identification process for conducting the electronic transaction.

Similar to the section of the Abstract reproduced above, this section of HOFFMAN et al. merely discloses that a bid biometric sample of a user is compared to at least one registered biometric sample. This section of HOFFMAN et al. also discloses that a previously stored audio signature relating to the payee may be played for the user. This section of HOFFMAN et al. does not disclose or suggest receiving a computer-generated transaction identifier from the computer via an electronic data link, as required by claim 1.

HOFFMAN et al. and FROMM do not further disclose receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, as also required by claim 1. The Office Action appears to admit that HOFFMAN et al. does not disclose this feature and relies on FROMM for allegedly disclosing "a technique for verifying a user's voice prior or the user's identity by user of a voice print before allowing the user to engage in commercial transactions" and points to the Abstract, col. 1, lines 55-67, col. 3, lines 1-52, and col. 4, lines 26-49, of FROMM for support (final Office Action, pg. 5). Applicants respectfully submit that these sections of FROMM do not disclose or suggest the above feature of claim 1.

In the Abstract, FROMM discloses:

> A technique for verifying a user's voice prior to permitting the user to conduct a business transaction over a data network. An order is received via the data network, and a voice verification unit is contacted to (i) access a prestored voice print, (ii) obtain a present voice sample from the consumer desiring the transaction and compare said present voice sample to the prestored voice sample, and (iii) issue a signal indicating whether the voice correctly verifies.

This section of FROMM discloses comparing a present voice sample to a prestored voice print.

This section of FROMM in no way discloses or suggests receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, as required by claim 1. FROMM does not disclose or suggest that the present voice sample is a user-spoken transaction identifier. In fact, this section of FROMM does not disclose or suggest a transaction identifier.

At col. 1, line 55, to col. 2, line 2, FROMM discloses:

> The above and other problems of the prior art are overcome in accordance with the present invention which relates to a technique of verifying the user's identity by use of a voice print before allowing the user to engage in commercial transactions over the data network. In accordance with one embodiment of the invention, a voice verification unit is connected to the data network. The user's ID is ascertained by means of, for example, his data network address, and his stored voice print is retrieved from a voice print bank. The user is then asked to speak a few words, in order to verify the user's identity. The verification of the user's speech pattern may take place with the aid of a separate telephone call initiated by either the voice verification unit or the user's computer and/or telephone, or by the computer accepting and processing the transaction.

This section of FROMM discloses that a voice verification unit uses a stored voice print to identify a user. This section of FROMM in no way discloses or suggests receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, as required by claim 1. FROMM does not disclose or suggest that the few words that the user is asked to speak is a user-spoken transaction identifier. In fact, this section of FROMM does not disclose or suggest a transaction identifier.

At col. 3, lines 1-52, FROMM discloses that a present voice sample is obtained from a user by prompting the user to speak particular words, such as the user's password. This section of FROMM in no way discloses or suggests receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, as required by

claim 1.

At col. 4, lines 26-49, FROMM discloses:

> Alternatively, rather than having the voice sample taken at computer 105c, computer 105c could transmit the message to computer 105a while at the same time transmitting, via data network 109, the transaction ID to the voice verification unit 103. The voice verification unit 103 would then receive the toll free telephone call, or may receive the voice sample from the data network 101, from the user. Of course, the voice verification unit 103 could place the call as well. Voice verification unit 103 may then verify the voice received. Voice verification unit 103 could then send the approval with the transaction ID or data network logical address back to computer 105c.
>
> In any of the above cases, subsequent to the voice sample being received from the consumer, block 205 transmits the appropriate information from computer 105c to voice verification unit 103. The information may include the transaction entered by the user during a telephone call, as well as the voice sample. Alternatively, if the voice sample was received directly at the voice verification unit 103, then the record would include only the transaction ID so that the voice verification unit could match the transaction ID received from the user with that generated by computer 105c.

This section of FROMM discloses a transaction identifier (ID) that is used as part of the voice verification process. More specifically, FROMM discloses that the transaction ID is used to pair the voice sample entered at the time of the transaction with the prestored voice sample. This section of FROMM in no way discloses or suggests receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, as required by claim 1.

Since HOFFMAN et al. and FROMM do not disclose receiving a computer-generated transaction identifier from the computer via an electronic data link or receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, HOFFMAN et al. and FROMM cannot disclose comparing the user-spoken transaction identifier with the computer transaction identifier, as also required by claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 2-25 depend from claim 1. Therefore, Applicants submit that these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by the combination of HOFFMAN et al. and FROMM.

For example, claim 16 recites that the user conducts the electronic transaction using a wireless device. The Office Action does not address this feature. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 16. Applicants request that this feature be addressed or the rejection be withdrawn.

For at least these additional reasons, Applicants submit that claim 16 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 17 recites that the user conducts the electronic transaction using a hand-held device. The Office Action does not specifically address this feature. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 17. Applicants request that this feature be addressed or the rejection be withdrawn.

For at least these additional reasons, Applicants submit that claim 17 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 19 recites receiving at least one user-spoken command for controlling web-site navigation, where the at least one user-spoken command is transmitted by the user via a telephonic voice connection; converting the at least one user-spoken command into at least one

computer-readable command; transmitting the at least one computer-readable command to the computer; and executing the at least one computer-readable command, using the computer, whereby the user controls web-site navigation of the Internet web-site by voice command via the telephonic voice connection. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest these features.

The Office Action does not address these features. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 19. Applicants request that the features of claim 19 be addressed or the rejection of this claim be withdrawn.

For at least these additional reasons, Applicants submit that claim 19 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Independent claim 27 recites features similar to features given above with respect to claim 1. For example, claim 27 recites that the voice browser is programmed to compare a user-spoken transaction identifier to a computer-generated transaction identifier. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 27 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 28-62 depend from claim 27. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at leas the reasons given above with respect to claim 27. Moreover, these claims are patentable over HOFFMAN et al. and FROMM for reasons of their own.

For example, the Office Action does not address the features recited in claims 28-50, 54-60, and 62. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 28-50, 54-60, and 62. Applicants request that these claims be addressed or the

rejection of these claims be withdrawn.

For at least these additional reasons, Applicants submit that claims 28-50, 54-60, and 62 are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Independent claim 63 recites features similar to features given above with respect to claim 1. For example, claim 63 recites receiving a transaction identifier from the computer via an electronic data link in response to performing the electronic transaction, receiving a user-spoken transaction identifier, and comparing the user-spoken transaction identifier with the computer transaction identifier. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 63 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 64 depends from claim 63. Therefore, this claim is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at leas the reasons given above with respect to claim 63.

Independent claim 65 recites features similar to features given above with respect to claim 1. For example, claim 65 recites conducting a transaction between the user computer and the web-site, where the web-site transmits a transaction identifier to the user computer and the authentication system in response to the transaction; and receiving a user-spoken transaction identifier and a user-spoken verification identifier via a telephonic connection, where the authentication system is programmed to compare the user-spoken transaction identifier to the transaction identifier and the user-spoken verification identifier to the pre-registered voice print. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim

65 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination. Moreover, claim 65 recites features similar to features recited in claim 19. Therefore, Applicants submit that claim 65 is further patentable over HOFFMAN et al. and FROMM for reasons similar to reasons given above with respect to claim 19.

Claims 66-68 depend from claim 65. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at leas the reasons given above with respect to claim 65.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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